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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,153	10/15/2001	Shigeki Enoki	011375	9280

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EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,153

Applicant(s)

ENOKI ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Shirasaki et al.

Shirasaki et al. teaches a data transmission device according to the present invention includes one or more electronic cash registers (plurality of POS terminals) each of which is connected to the central processing (store server) unit through a communication line (means for transmitting transaction data to said store server). When a predetermined command signal is transmitted from the central processing unit to each of the electronic cash registers, each of the electronic cash registers is operated in response to the command signal (means transmitting transaction data to store server as transactions occur at each POS).

Moreover, according to the present invention, the central processing unit of the host computer in the head office is connected to each of the electronic cash registers in a branch store through one or more communication lines and when the electronic cash register receives a command signal sent from the central processing unit of the host computer in the head office, the electronic cash register acts according to the command signal mentioned above. Accordingly, one or a plurality of electronic cash registers can be remotely controlled by sending a command signal from the central processing unit of the host computer. Examiner notes that the command signal taught by Shirasaki et al. represents a means for instructing store server to cancel a transaction that occurs at another POS terminal. Examiner further notes that the POS terminal responding to the command signal represents a means for executing a transaction cancel instruction.

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Examiner further notes that the communication line between the electronic cash registers and the central processing unit (POS and store server) represents a means for receiving a transaction cancel instruction from a POS terminal at the store server.

Examiner references Shirasaki et al. FIG. 3 which shows a composition of the division file 6a, wherein the data of one division is called 'record'. As shown in FIG. 3, one record consists of a plurality of sorting areas. The sorting area AR of the sales consists of a division code representing a kind of the division, the gross sales of goods in the division and the amount of the sales of the goods in the division. And in the rest of the sorting area AR, there are assigned a code of a group of the goods in the division such as fruits or vegetables, a code of the name of the division, a unit price of the goods of the division, the maximum of the gross sales and the number of the customers having bought a good in the division. Examiner notes that this represents store data relating to a POS's transaction (sorting the data) and thus being able to totalized that data based on this sorting procedure.

Response to Arguments

Applicant's arguments filed 3/17/05 have been fully considered but they are not persuasive.

Applicant asserts that the system of Shirasaki et al. fails to includes a means to query any other electronic cash register or store server.

Examiner disagrees. Shirasaki et al. specifically teaches a each electronic cash register includes a signal sending/receiving unit 3. (see column 3, lines 37-38 and figure 1).

Examiner asserts that a signal sending/receiving unit is a means for querying, as it includes a means to send a signal (query).

Further Examiner reminds Applicant that while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. Further, an apparatus claim covers what a device is, not what a device does (MPEP 2114). As such, Shirasaki et al. need only teach the capability to send a query (e.g. signal sending/receiving device) to anticipate Applicant's apparatus claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272 6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

jak


Richard Chilcot
~~Supervisory~~ Patent Examiner
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